United Nations A/HRC/WG.6/27/ECU/2

General Assembly

Distr.: General
27 February 2017
English
Original: English/Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-seventh session
1-12 May 2017

Compilation on Ecuador

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. Regarding the relevant recommendation from the second cycle of the universal periodic review,[3] the United Nations Children's Fund (UNICEF) recommended that Ecuador ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which it had signed in 2013.[4]

3. Regarding the relevant recommendation,[5] the Committee on the Elimination of Discrimination against Women welcomed the ratification by Ecuador in 2013 of the International Labour Organization (ILO) Workers with Family Responsibilities Convention, 1981 (No. 156) and the ILO Domestic Workers Convention, 2011 (No. 189).[6]

4. Regarding the relevant recommendation,[7] in 2012 the United Nations High Commissioner for Refugees praised Ecuador for becoming a party to the 1961 Convention on the Reduction of Statelessness.[8]

5. In 2014, the Committee on the Rights of Persons with Disabilities encouraged Ecuador to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.[9]

6. Regarding the relevant recommendation,[10] in 2012 Ecuador accepted the request of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to visit the country.[11]

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Ecuador be strongly encouraged to submit State reports to its education-related standard-setting instruments.[12]

8. The post of Office of the United Nations High Commissioner for Human Rights (OHCHR) Human Rights Adviser to the United Nations country team in Ecuador was discontinued in 2015, after which support was provided by the OHCHR regional office for South America.[13] OHCHR provided technical support to the Government to develop an information system to follow up on recommendations from human rights mechanisms.[14] The country team recommended the continuation of efforts to implement and update such an information system.[15]

9. In October 2016, the United Nations Deputy High Commissioner for Human Rights visited Ecuador in the framework of the United Nations Conference on Housing and Sustainable Urban Development.[16]

10. Ecuador contributed financially to OHCHR in 2015.[17]

III. National human rights framework[18]

11. Regarding the relevant recommendation,[19] the country team recommended that Ecuador continue to jointly formulate and approve draft legislation with a rights-based approach on matters such as the Ombudsman's Office, human mobility, the environmental code, the victims of violence, indigenous justice and a comprehensive rights protection system.[20]

12. Several Committees welcomed the adoption in 2014 of the Comprehensive Criminal Code.[21]

13. Regarding the relevant recommendations,[22] the country team observed that Ecuador in its Comprehensive Criminal Code had criminalized torture and the offences referred to in the Rome Statute of the International Criminal Court.[23]

14. Several Committees welcomed the adoption of the National Plan for Good Living 2013-2017[24] and the 2012 Organic Act on Disabilities.[25]

15. Ecuador had a national human rights institution (Defensoría del Pueblo) with A status.[26]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[27]

16. Three Committees welcomed the adoption in 2014 of the Organic Act on National Equality Councils.[28] The Human Rights Committee recommended that Ecuador ensure that the National Equality Council for Peoples and Nationalities and the National Equality Council for Human Mobility began their work as soon as possible.[29]

17. The Committee on the Elimination of Discrimination against Women was concerned about the persistence of deep-rooted social and cultural stereotypes underpinning discrimination against women. It urged Ecuador to train people working in the media in gender equality and to implement campaigns to combat gender stereotypes.[30]

18. The country team recommended ensuring the full participation of Afro-Ecuadorians in public affairs and public administration and the adoption of specific legislation on discrimination to include a mechanism for reviewing cases.[31]

19. In 2012, the Committee on the Elimination of Racial Discrimination urged Ecuador to draw up and implement, with the effective participation of the groups facing discrimination and exclusion, a comprehensive national policy to combat racism and racial discrimination.[32]

20. The Committee regretted that Ecuador considered its population of Roma origin to be a foreign group and encouraged it to implement national strategies and programmes to improve the situation of the Roma and to protect them against racial discrimination.[33]

21. The Human Rights Committee recommended that Ecuador redouble its efforts to combat stereotypes of and prejudice against lesbian, gay, bisexual, transgender and intersex persons, properly investigate, prosecute and punish the persons responsible for acts of violence against them, and ensure that victims were provided with comprehensive redress.[34]

2. Development, the environment, and business and human rights[35]

22. Regarding the relevant recommendation,[36] the United Nations Development Programme (UNDP) noted that Ecuador continued to implement its policy on the rights of nature. It recommended that the country ratify the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity and adopt an environmental code that would comprehensively address structural issues.[37]

B. Civil and political rights

1. Right to life, liberty and security of person[38]

23. Two Committees were concerned at allegations that, during the public demonstrations that had taken place in 2015, police or army officers had used excessive force. They recommended that Ecuador ensure that all such allegations were investigated thoroughly, independently and impartially and that the alleged perpetrators were brought to justice.[39] The Committee against Torture recommended that all members of the security forces be sufficiently trained in the proper use of force and that rules be established for the use of firearms by security forces that were consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[40]

24. The Committee recommended that the content of article 151 of the Comprehensive Criminal Code be brought into line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the purpose of identifying the perpetrator and the reasons or factors that motivated the use of torture.[41]

25. The Human Rights Committee took note of the efforts of Ecuador to improve its prison infrastructure and tackle overcrowding. It recommended that Ecuador increase its efforts in that regard, particularly by ensuring the effective implementation of regulations relating to alternatives to the deprivation of liberty, and prevent and put a stop to violence in places of deprivation of liberty.[42]

26. The Committee against Torture expressed concern at the introduction of restrictions on visits to prisoners and at the transfer of prisoners to prisons far from their family or social circle. It was also concerned that places of detention did not have an internal mechanism available to receive complaints from persons deprived of their liberty.[43] The Committee took note with concern of reports indicating that inmates deemed to be highly dangerous had been placed in solitary confinement for long periods of time and that so-called "reflection cells" were used as a disciplinary measure in juvenile detention centres.[44]

27. The Committee recommended that Ecuador take the necessary measures to ensure that the national mechanism for the prevention of torture had a solid legal basis and adequate resources to discharge its mandate and urged it to adopt the bill on the Ombudsman's Office, including a specific section on the national mechanism for the prevention of torture.[45]

28. The Committee noted with appreciation the adoption in 2016 of the protocol for the treatment of members of the lesbian, gay, bisexual, transgender and intersex community who are deprived of their liberty.[46]

29. Three Committees were concerned that, despite the actions taken by the State, allegations of cases of forced placement in clinics for treatment to "cure" sexual orientation or gender identity continued.[47] The Human Rights Committee recommended that Ecuador redouble its efforts to eliminate such practices, adopt the necessary measures to investigate, prosecute and ensure suitable punishment for the persons responsible and provide full reparation for victims.[48]

30. The Committee on the Rights of Persons with Disabilities was concerned that some persons with disabilities remained institutionalized and did not have the necessary support to live in the community. It recommended that Ecuador draw up a comprehensive deinstitutionalization plan for persons currently in the Julio Endara Psychiatric Hospital.[49]

2. Administration of justice, including impunity, and the rule of law[50]

31. The Human Rights Committee was concerned at allegations of the frequent use by the Council of the Judiciary of the internal disciplinary system to dismiss judges, particularly the use of the catch-all term "inexcusable error". It was also concerned by allegations that the judicial system was used to impose harsh sentences on government critics and members of the opposition. It recommended that Ecuador increase its efforts to ensure and protect the full independence and impartiality of the judiciary.[51]

32. The country team recommended that preparations be made for a further visit by the Special Rapporteur on the independence of judges and lawyers, which would facilitate a broad and inclusive dialogue on challenges in the administration of justice.[52]

33. The Committee on the Elimination of Racial Discrimination was concerned by reports that racial discrimination cases in Ecuadorian courts were often dismissed. It urged Ecuador to provide training to court officials who handled cases involving racial discrimination against indigenous persons, Afro-Ecuadorians and Montubios.[53]

34. Several Committees recommended that Ecuador adopt a specific legal and institutional framework governing the division of responsibilities between indigenous courts and ordinary courts, and guarantee respect for the rights and interests of indigenous communities, peoples and nationalities.[54]

35. The Human Rights Committee welcomed the adoption of the 2013 Act for the Reparation of Victims and the Prosecution of Grave Human Rights Violations and Crimes against Humanity that Occurred in Ecuador between 4 October 1983 and 31 December 2008. It recommended expediting judicial investigations into the cases of human rights violations set out in the report of the Truth Commission and ensuring that those responsible were brought to justice. It also recommended that Ecuador increase its efforts to ensure full reparation for victims and their family members.[55]

36. The Committee was concerned that none of the judicial proceedings relating to abuses allegedly committed by members of the Peasant Defence Networks had resulted in a conviction. It recommended adopting effective measures to ensure that those who had committed abuses answered for their actions.[56]

3. Fundamental freedoms and the right to participate in public and political life[57]

37. The Human Rights Committee welcomed the information on the participation of women in public life, particularly in the civil service, the National Assembly and the Constitutional Court.[58] The Committee on the Elimination of Discrimination against Women commended Ecuador for alternating female and male candidates on multi-person electoral lists.[59] Both Committees recommended adopting measures to increase the participation of women in single-person positions and on local political bodies.[60]

38. In September 2015, three special procedure mandate holders and two Special Rapporteurs of the Inter-American Commission on Human Rights expressed grave concern over the Government's moves to dissolve the civil society organization Fundamedios. They

denounced national norms invoked in the procedures against Fundamedios, which had also been applied in the closure of another important non-governmental organization at the end of 2013. They considered that Executive Decree No. 16, which regulated the operation of social organizations, empowered State authorities to close down organizations based on very broad and ambiguous terms, and called for its revision in accordance with international standards.[61]

39. In September 2016, three special procedure mandate holders condemned the use of Executive Decree No. 739 to dissolve the National Union of Teachers and stated that the Decree established overly broad restrictions on freedom of expression and association.[62] In December 2016, five special procedure mandate holders urged the Ecuadorian authorities to reverse the decision to dissolve Acción Ecológica, a campaign group supporting Shuar indigenous people's protests against mining on what they claimed to be their territory, and to revise the legislation used — Executive Decrees No. 16 and No. 739.[63]

40. The Human Rights Committee was concerned at information indicating that the Organic Act on Communication might contain some provisions that could affect the full exercise of the right to freedom of expression. It recommended that Ecuador ensure that its legislation was fully in line with article 19 of the International Covenant on Civil and Political Rights.[64] In November 2016, the Special Rapporteur on freedom of expression and the Special Rapporteur for Freedom of Expression of the Inter-American Commission made similar recommendations.[65]

41. The country team recommended the joint development of clear criteria for the imposition of administrative or judicial penalties and accountability mechanisms for the implementation of the Organic Act on Communication, in order to identify and apply adjustments or improvements.[66]

42. The Human Rights Committee was concerned about allegations that criminal proceedings had been instituted on the basis of broadly worded offences contained in the old Criminal Code, such as sabotage and terrorism, against persons who had participated in social protests and other public demonstrations. It regretted not having received any information on the number of persons charged with terrorism or sabotage under either the old Criminal Code or the new Comprehensive Criminal Code in connection with social protests or other public demonstrations.[67]

43. The Committee was concerned at allegations that some individuals who criticized the Government, including journalists and social media users, were subjected to harassment and anonymous threats after they had been named by government officials in the media. It recommended that Ecuador provide proper protection for all persons subjected to harassment or threats for exercising their right to freedom of opinion and expression, and ensure that all allegations relating to acts of that nature were investigated and prosecuted.[68]

44. Regarding the relevant recommendation,[69] the country team recommended consolidating an environment suitable for the work of human rights defenders and exploring the possibility of establishing a specialized programme or guidelines for their protection.[70]

45. UNESCO noted that, while the 2014 Comprehensive Criminal Code did not refer to the word "defamation", calumny still remained a punishable crime.[71]

4. Prohibition of all forms of slavery[72]

46. The Committee on the Elimination of Discrimination against Women recommended that Ecuador increase its efforts to implement the National Plan to Combat Trafficking in Persons and the National Agenda on Equality for Human Mobility and carry out systematic monitoring and periodic evaluations of the implementation.[73]

47. The country team recommended adopting a comprehensive law against trafficking in persons that would define the competences of each public institution, incorporate a gender perspective into the National Plan and establish a specific budget line.[74] Regarding the relevant recommendation,[75] UNICEF recommended strengthening the investigation, detection and punishment of commercial sexual exploitation and allocating the requisite budget to ensure full redress for the victims.[76]

5. Right to privacy and family life[77]

48. The Committee on the Elimination of Discrimination against Women called upon Ecuador to repeal the provision of the Civil Code that designated the husband as the administrator of the marital property.[78]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[79]

49. In 2012, the Committee on Economic, Social and Cultural Rights noted the adoption of the Labour Rights Protection Act.[80]

50. The Human Rights Committee was concerned that women continued to be more affected by unemployment than men and that the wage gap persisted, even though it had become significantly smaller.[81] The ILO Committee of Experts on the Application of Conventions and Recommendations urged Ecuador to amend section 79 of the Labour Code to give full expression to the principle of equal remuneration for men and women for work of equal value.[82]

51. The Committee on the Elimination of Discrimination against Women noted with concern that women, especially those belonging to disadvantaged and marginalized groups, were concentrated in the informal sector, and recommended that Ecuador promote access to formal employment for women. It also noted with concern that there was no mechanism to monitor and prevent sexual harassment in the workplace.[83]

52. The Committee on the Rights of Persons with Disabilities recommended that employment programmes for persons with disabilities be developed.[84]

53. The Human Rights Committee recommended that Ecuador persist with its efforts to reduce child labour and ensure that persons employing children in contravention of the law on child labour were punished.[85] UNICEF recommended setting up interagency coordination mechanisms at national and subnational level in order to implement the National Plan for the Prevention and Eradication of Child Labour.[86]

54. The ILO Committee of Experts requested Ecuador to amend article 326 (9) of the Constitution, which provided that for all purposes relating to industrial relations in State institutions, workers should be represented by a single organization. It noted the excessive number of workers (30) required by Ecuadorian legislation for the establishment of trade unions and recalled that the peaceful exercise of trade union activities, including the right to express opinions, should not give rise to charges, convictions or extraordinary legal action by the Government against trade union leaders and members.[87]

2. Right to social security[88]

55. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern about disparities in the rate of social security coverage, noting that it was only 12 per cent for indigenous women and 18 per cent for Afro-Ecuadorian women. It recommended that Ecuador develop, as a matter of urgency, a plan to guarantee universal social security coverage.[89]

56. The Committee on the Elimination of Discrimination against Women recommended that Ecuador monitor the working conditions of women domestic workers to promote their full participation in social security schemes.[90]

3. Right to an adequate standard of living[91]

57. UNDP observed that despite the context of budgetary constraint, Ecuador had undertaken increased investment in social programmes and was using a multidimensional poverty index. It recommended that the annual general State budget proposal should include a detailed breakdown of investment for priority groups and a territorial analysis for the purposes of improved visibility, transparency, follow-up and evaluation, and that

sustainable development agenda be mainstreamed in an effort to maintain social programmes and eradicate poverty.[92]

58. The Committee on the Elimination of Racial Discrimination was concerned by the persistent poverty and marginalization of Afro-Ecuadorians and Montubios.[93] The Committee on Economic, Social and Cultural Rights noted with deep concern that child malnutrition remained a problem and recommended that Ecuador work with civil society to draw up municipal maps showing the location of population sectors subjected to food and nutritional insecurity.[94]

59. The Committee on the Elimination of Discrimination against Women was concerned about the difficulties faced by rural women in obtaining formal recognition of land titles. It recommended that Ecuador speed up the implementation of the "SigTierras" programme and adopt a national programme aimed at regularizing land tenure that allowed rural women's organizations to participate effectively in the process.[95]

60. The Committee on Economic, Social and Cultural Rights was concerned about the environmental impacts of mining and agribusiness projects, particularly on people's ability to exercise their right to water in rural areas. It recommended that Ecuador establish environmental protection measures and adopt specific measures to protect people's right to water.[96]

61. The country team recommended designing and implementing a national strategy for sustainable land management and soil conservation.[97]

4. Right to health[98]

62. Three Committees were concerned about the high pregnancy rate among adolescents in Ecuador.[99]

63. Regarding the relevant recommendation,[100] the country team noted the implementation of the "Technical Guide to Culturally Appropriate Childbirth Care" and 93 culturally appropriate delivery rooms at the national level. It recommended further efforts to expand the access of indigenous, Afro-Ecuadorian and Montubio women to sexual and reproductive health services.[101] The Committee on the Elimination of Discrimination against Women recommended that Ecuador adopt the bill on intercultural practice for assisted births under the national health system.[102]

64. The Committee recommended that Ecuador ensure that all women and girls had affordable access to modern contraceptive methods and age-appropriate information, and that education on sexual and reproductive health and rights was provided to girls and boys.[103]

65. The Committee was concerned about women's limited access to therapeutic abortion and their recourse to unsafe abortions as a consequence, in addition to breaches of confidentiality by health personnel who reported to the police or the judiciary women who needed health care after a miscarriage or who sought an abortion. It recommended that Ecuador decriminalize abortion in cases of rape, incest and severe fetal impairment.[104]

66. The Committee on the Rights of Persons with Disabilities was concerned that the Comprehensive Criminal Code allowed the spouse, partner, close family member or legal representative of a woman with an intellectual disability to decide on her behalf to have an abortion if the pregnancy was the result of rape.[105]

67. Regarding the relevant recommendation,[106] the country team recommended strengthening efforts to reduce maternal mortality through access to comprehensive sexual and reproductive health promotion and care, basic and comprehensive obstetric care, skilled delivery care and family planning services.[107]

5. Right to education[108]

68. UNESCO noted that, while there had been significant progress in the education system, challenges persisted, including poor infrastructure, the overall low quality of education, a lack of qualified human resources and disparities in access.[109] The Special

Rapporteur on the right to education recommended that Ecuador continue increasing public funding in education to reach the target of 6 per cent of gross national product.[110]

69. UNICEF recommended activating the National Council on Education as a mechanism for citizen participation.[111]

70. The Committee on the Elimination of Discrimination against Women noted that the enrolment of girls in education had increased. It was concerned, however, that indigenous and Afro-Ecuadorian women had limited access to education and that education at all levels was of poor quality in rural areas.[112]

71. The Special Rapporteur on education noted that, despite the notable achievements of Ecuador, the entrenched nature of inequalities, particularly the marginalization of indigenous peoples, Afro-Ecuadorians and Montubios, would require long-term targeted support for those groups. He also noted that additional investment was needed to guarantee better quality in the bilingual education system.[113] The Committee on the Elimination of Racial Discrimination encouraged Ecuador to work in partnership with indigenous peoples to develop policies to raise their educational levels.[114]

72. UNICEF recommended pursuing and scaling up the implementation of inclusive education policies and the elimination of barriers to access, with special attention to remote areas, children and adolescents living in poverty, indigenous, Montubio and Afro-Ecuadorian children, students that have fallen severely behind with their studies, persons outside the education system, persons with disabilities, displaced persons, persons in emergency situations, pregnant girls and teenagers and teenage mothers.[115]

73. The Committee on the Rights of Persons with Disabilities recommended that Ecuador ensure that all persons with disabilities could enrol in primary, secondary and higher secondary education and had access to an inclusive education system, including at university level.[116]

74. The Committee on Economic, Social and Cultural Rights urged Ecuador to take effective measures within the education system to prevent physical and psychological ill-treatment of adolescents and young people and to promote a culture of respect for human rights.[117]

75. The Committee on the Elimination of Discrimination against Women urged Ecuador to design and implement a nationwide campaign to eliminate sexual violence against girls in the education system and ensure that they had access to effective remedies. It also urged Ecuador to expedite judicial proceedings against perpetrators and adopt mechanisms for granting reparations for victims and their families.[118]

D. Rights of specific persons or groups

1. Women[119]

76. The Committee on the Elimination of Discrimination against Women acknowledged the adoption of the Comprehensive Criminal Code, which criminalized femicide and discrimination on the basis of sex, gender identity, sexual orientation and other grounds. The Committee welcomed the comprehensive legislation and policy framework for the elimination of discrimination against women and recommended that Ecuador accelerate their enforcement in all areas covered by the Convention.[120]

77. The Committee noted with concern that the National Council for Gender Equality lacked a clear mandate to coordinate the design and implementation of gender equality policies and that the percentage of the official budget allocated for the implementation of such policies was decreasing. It recommended that Ecuador ensure the systematic participation of women's organizations in the processes of the Council.[121]

78. The Committee recommended that Ecuador establish mechanisms to collect information on and assess the situation of women belonging to disadvantaged and marginalized groups.[122]

79. The Human Rights Committee recommended that Ecuador investigate, prosecute and ensure appropriate punishment for persons responsible for acts of violence against women. It also recommended ensuring that the implementation of the National Plan for the Elimination of Gender Violence against Children, Adolescents and Women was constantly monitored.[123]

80. The country team recommended updating the information taken from the first national survey of family relations and gender violence, which had been carried out in 2011.[124]

81. The Committee on the Elimination of Discrimination against Women called upon Ecuador to allocate the necessary human, financial and technical resources for the establishment of specialized judicial units to enforce legal provisions relating to violence against women in all cantons, particularly in rural and remote areas.[125]

82. The Committee recommended that Ecuador enact legislation providing for the immediate protection of women victims of violence upon the first report of violence, establish a system to monitor cases of violence against women, ensure that perpetrators were prosecuted and punished and conduct training for judges, prosecutors and law enforcement officers on equality of women.[126]

2. Children[127]

83. Regarding the relevant recommendation,[128] UNICEF noted that the percentage of children aged between 0 and 5 years recorded in the civil register had reached 94 per cent in 2015. UNICEF recommended that registration teams be established to ensure that registry services reach isolated and rural areas.

84. Regarding the relevant recommendation,[129] the country team reported that in 2015 Ecuador had set the minimum age for marriage at 18 years.[130]

85. Regarding the relevant recommendation,[131] UNICEF noted that despite the measures taken, legislation prohibiting corporal punishment had not yet been enacted.[132]

3. Persons with disabilities[133]

86. The Committee on the Rights of Persons with Disabilities was concerned that the Organic Act on Disabilities retained a definition and understanding of disability based on a medical approach.[134]

87. The Committee welcomed the establishment in 2013 of the Technical Secretariat for Disability and recommended that Ecuador establish a unified data collection system on the situation of persons with disabilities in order to resolve any discrepancies between the institutions that managed data on disabilities.[135]

88. It also recommended that Ecuador include in its legislation the express requirement to make reasonable accommodation where necessary in a particular case, and establish that denial of such accommodation constituted a form of discrimination.[136] It further recommended that the social housing prototype of the Ministry of Urban Development and Housing be redesigned to take account of the needs of persons with disabilities.[137]

89. The Committee was concerned that the health services provided for persons with disabilities by the Ministry of Public Health through comprehensive support centres were not accessible to persons with disabilities living in rural areas.[138]

90. It was also concerned about the absence of appropriate mechanisms to identify situations of violence against persons with disabilities, especially women with intellectual disabilities, both within families and in institutions for persons with disabilities.[139]

4. Indigenous peoples[140]

91. The Committee on Economic, Social and Cultural Rights was particularly concerned by the fact that Executive Decree No. 1247 of 2012 had been issued without having consulted indigenous peoples. It recommended that Ecuador consider suspending

implementation of the decree and instead work with indigenous peoples to design legislative measures to govern the exercise of the right to be consulted.[141]

92. The Committee on the Elimination of Racial Discrimination urged Ecuador to establish effective consultation processes with the communities concerned, in accordance with international standards, for any project that might affect indigenous peoples' territory or livelihoods.[142]

93. The Human Rights Committee was concerned at reports that some oil concessions had been granted in indigenous territories without prior consultation with the communities concerned. It recommended that Ecuador expedite the adoption of the bill on consultation with the communes, communities, peoples and nationalities of Ecuador and ensure proper consultation during that process.[143]

94. The country team recommended ensuring the full implementation of the judgment of the Inter-American Court of Human Rights in the case *Kichwa Indigenous People of Sarayaku v. Ecuador*, including reparations.[144]

95. The Committee on the Elimination of Racial Discrimination called upon Ecuador to take action, as a matter of urgency, to implement the precautionary measures established by the Inter-American Commission on Human Rights on behalf of free peoples living in voluntary isolation.[145] The Human Rights Committee recommended that Ecuador ensure that extractive or any other activities that might place the Tagaeri and Taromenane indigenous peoples, living in voluntary isolation, in a more vulnerable situation were not conducted.[146]

5. Migrants, refugees, asylum seekers and internally displaced persons[147]

96. The Committee on Economic, Social and Cultural Rights was concerned about the negative impact of Presidential Decree No. 1182 of 2012 on the recognition of refugee status.[148] The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that in 2013 and 2015, the Constitutional Court of Ecuador had issued two important judgments that brought some of the provisions of the decree into line with international standards.[149]

97. Regarding the relevant recommendation,[150] UNHCR recommended that Ecuador ensure that the Human Mobility Bill submitted to the National Assembly in July 2016 brought the refugee status determination procedure into line with international standards by, inter alia, increasing the time limit for asylum seekers to apply for refugee status, doing away with the admissibility procedure prior to the filing of an asylum claim and ensuring the applicant's right to appeal.[151]

98. The Committee on the Elimination of Racial Discrimination regretted that, despite the efforts of Ecuador to integrate people in need of international protection, they continued to face discrimination and exclusion, including in access to employment, housing and medical care.[152]

99. Regarding the relevant recommendation,[153] UNHCR noted with appreciation the adoption of the National Identity and Public Information Act, which provided for standardized national identity documents to be issued to citizens and foreigners alike. It recommended that Ecuador issue the regulations necessary to apply the Act.[154]

100. The country team recommended ensuring the effective implementation of the agreement between the Directorate-General for Refugees and the Civil Registry that would allow refugees and, progressively, asylum seekers to be recorded in the Civil Registry database, guaranteeing their access to basic services.[155]

101. The Committee on the Elimination of Racial Discrimination recommended that Ecuador take effective educational and awareness-raising measures to combat any tendency to stereotype or stigmatize migrant workers.[156]

102. The Committee on the Rights of Persons with Disabilities recommended that Ecuador repeal article 7 of the Naturalization Act, which provided that Ecuadorian nationality could not be granted to persons with a "chronic illness".[157]

6. Stateless persons[158]

103. UNHCR applauded the Government's efforts to eradicate statelessness, such as the accession to the 1961 Convention.[159]

104. UNHCR recommended that Ecuador ensure that a statelessness determination procedure that was in accordance with international standards was developed under the Human Mobility Bill and its regulation.[160]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Ecuador will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/ECSession27.aspx.
2 For relevant recommendations, see A/HRC/21/4, paras. 134.1-134.3, 135.1 and 135.13.
3 See A/HRC/21/4, para. 134.1 (Chile and Slovakia).
4 See UNICEF submission for the universal periodic review of Ecuador, para. 1.
5 See A/HRC/21/4, para. 134.3 (Philippines).
6 See CEDAW/C/ECU/CO/8-9, para. 6.
7 See A/HRC/21/4, para. 135.1 (Iraq).
8 See www.un.org/apps/news/story.asp?NewsID=43189#.WATkZU1f3cs.
9 See CRPD/C/ECU/CO/1, paras. 48-49.
10 See A/HRC/21/4, para. 135.13 (Belgium and Latvia).
11 See the tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Ecuador, available at www.ohchr.org/EN/HRBodies/UPR/Pages/ECSession27.aspx.
12 See UNESCO submission for the universal periodic review of Ecuador, para. 67.
13 OHCHR, "OHCHR in the field: Americas", in *OHCHR Report 2015*, p. 176.
14 OHCHR, "OHCHR in the field: Americas", in *OHCHR Report 2014*, p. 208.
15 See country team submission for the universal periodic review of Ecuador, para. 3.
16 See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20691&LangID=E#sthash.oppFaffW.dpuf.
17 OHCHR, "Donor profiles", in *OHCHR Report 2015*, p. 106.
18 For relevant recommendations, see A/HRC/21/4, paras. 135.2-135.4.
19 See A/HRC/21/4, para. 135.2 (Egypt).
20 See country team submission, para. 8.
21 See CEDAW/C/ECU/CO/8-9, para. 4, CCPR/C/ECU/CO/6, para. 3, and CAT/C/ECU/CO/7, para. 5.
22 See A/HRC/21/4, paras. 135.3 (France) and 135.4 (Latvia, Liechtenstein and Slovakia).
23 See country team submission, paras. 9 and 11.
24 See CCPR/C/ECU/CO/6, para. 3, and CEDAW/C/ECU/CO/8-9, para. 4.
25 See CCPR/C/ECU/CO/6, para. 3, E/C.12/ECU/CO/3, para. 4, and CRPD/C/ECU/CO/1, para. 5.
26 See http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf.
27 For relevant recommendations, see A/HRC/21/4, paras. 135.16-135.19.
28 See CCPR/C/ECU/CO/6, para. 9, CEDAW/C/ECU/CO/8-9, para. 4, and CAT/C/ECU/CO/7, para. 5.
29 See CCPR/C/ECU/CO/6, para. 10. See also UNDP submission for the universal periodic review of Ecuador, para. 7.
30 See CEDAW/C/ECU/CO/8-9, paras. 18-19.
31 See country team submission, para. 27.
32 See CERD/C/ECU/CO/20-22, para. 11.
33 Ibid., para. 13.
34 See CCPR/C/ECU/CO/6, para. 12.
35 For the relevant recommendation, see A/HRC/21/4, para. 135.61.
36 See A/HRC/21/4, para. 135.61 (Plurinational State of Bolivia and Islamic Republic of Iran).
37 See UNDP submission, paras. 1 and 5.
38 For relevant recommendations, see A/HRC/21/4, paras. 135.3, 135.11, 135.24-135.26 and 135.28-135.29.
39 See CCPR/C/ECU/CO/6, paras. 27-28, and CAT/C/ECU/CO/7, paras. 39-40. See also www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=16343&LangID=S, country team submission, para. 35, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16414&LangID=E.
40 See CAT/C/ECU/CO/7, para. 40.
41 Ibid., para. 12.
42 See CCPR/C/ECU/CO/6, paras. 23-24. See also CAT/C/ECU/CO/7, paras. 25-26.

[43] See CAT/C/ECU/CO/7, paras. 25 and 33. See also country team submission, para. 49.
[44] See CAT/C/ECU/CO/7, para. 27.
[45] Ibid., para. 16. See also CAT/OP/ECU/2, para. 25.
[46] See CAT/C/ECU/CO/7, para. 6.
[47] See CCPR/C/ECU/CO/6, para. 11, CAT/C/ECU/CO/7, paras. 49-50, and CEDAW/C/ECU/CO/8-9, paras. 18-19.
[48] See CCPR/C/ECU/CO/6, para. 12. See also CAT/C/ECU/CO/7, para. 50, and CEDAW/C/ECU/CO/8-9, para. 19.
[49] See CRPD/C/ECU/CO/1, paras. 28-29.
[50] For relevant recommendations, see A/HRC/21/4, paras 135.11, 135.31-135.32 and 135.37.
[51] See CCPR/C/ECU/CO/6, paras. 25-26. See also CAT/C/ECU/CO/7, paras. 17-18.
[52] See country team submission, para. 41. See also http://acnudh.org/derechos-humanos-deben-ser-la-base-para-implementar-la-nueva-agenda-urbana-alta-comisionada-adjunta-en-ecuador-al-cierre-de-habitat-iii/.
[53] See CERD/C/ECU/CO/20-22, para. 18.
[54] See CCPR/C/ECU/CO/6, para. 38, CERD/C/ECU/CO/20-22, para. 19, and CAT/C/ECU/CO/7, paras. 19-20. See also CEDAW/C/ECU/CO/8-9, paras. 12-13.
[55] See CCPR/C/ECU/CO/6, paras. 19-20. See also CAT/C/ECU/CO/7, paras. 23-24 and 41-42, and country team submission, paras. 53-54.
[56] See CCPR/C/ECU/CO/6, paras. 21-22.
[57] For relevant recommendations, see A/HRC/21/4, paras 135.14, 135.36, 135.38-135.44 and 136.1-136.2.
[58] See CCPR/C/ECU/CO/6, para. 7.
[59] See CEDAW/C/ECU/CO/8-9, para. 24.
[60] See CCPR/C/ECU/CO/6, para. 8, and CEDAW/C/ECU/CO/8-9, para. 25.
[61] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16453&LangID=E. See also CCPR/C/ECU/CO/6, paras. 31-32, and CAT/C/ECU/CO/7, paras. 43-44.
[62] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20595&LangID=E.
[63] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21065&LangID=E.
[64] See CCPR/C/ECU/CO/6, paras. 29-30.
[65] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=20827&LangID=S.
[66] See country team submission, para. 31. See also UNESCO submission, para. 69.
[67] See CCPR/C/ECU/CO/6, para. 27. See also E/C.12/ECU/CO/3, para. 10.
[68] See CCPR/C/ECU/CO/6, paras. 29-30. See also CAT/C/ECU/CO/7, para. 43.
[69] See A/HRC/21/4, para. 135.40 (Latvia, Luxembourg, Australia and Austria).
[70] See country team submission, para. 43.
[71] See UNESCO submission, para. 57.
[72] For relevant recommendations, see A/HRC/21/4, paras. 135.6, 135.21 and 135.27.
[73] See CEDAW/C/ECU/CO/8-9, para. 23.
[74] See country team submission, para. 46.
[75] See A/HRC/21/4, para. 135.21 (Uruguay).
[76] See UNICEF submission, para. 8.
[77] For the relevant recommendation, see A/HRC/21/4, para. 135.34.
[78] See CEDAW/C/ECU/CO/8-9, para. 43.
[79] For relevant recommendations, see A/HRC/21/4, paras. 135.14, 135.23 and 135.45.
[80] See E/C.12/ECU/CO/3, para. 7.
[81] See CCPR/C/ECU/CO/6, para. 7. See also E/C.12/ECU/CO/3, para. 17.
[82] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3253470.
[83] See CEDAW/C/ECU/CO/8-9, paras. 30-31.
[84] See CRPD/C/ECU/CO/1, para. 43.
[85] See CCPR/C/ECU/CO/6, para. 34.
[86] See UNICEF submission, para. 13.
[87] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3254991. See also country team submission, para. 36, and E/C.12/ECU/CO/3, para. 19.
[88] For relevant recommendations, see A/HRC/21/4, paras 135.9 and 135.12.
[89] See E/C.12/ECU/CO/3, para. 20.
[90] See CEDAW/C/ECU/CO/8-9, para. 31.
[91] For relevant recommendations, see A/HRC/21/4, paras. 135.5, 135.7-135.9, 135.12, 135.15 and 135.46-135.51.
[92] See UNDP submission, paras. 6-7.
[93] See CERD/C/ECU/CO/20-22, para. 20.
[94] See E/C.12/ECU/CO/3, para. 24.
[95] See CEDAW/C/ECU/CO/8-9, paras. 36-37.

[96] See E/C.12/ECU/CO/3, para. 25.
[97] See country team submission, para. 58.
[98] For relevant recommendations, see A/HRC/21/4, paras. 135.20 and 135.52-135.54.
[99] See E/C.12/ECU/CO/3, para. 28; CEDAW/C/ECU/CO/8-9, para. 32; and CRPD/C/ECU/CO/1, para. 30.
[100] See A/HRC/21/4, para. 135.54 (Uruguay).
[101] See country team submission, para. 66.
[102] See CEDAW/C/ECU/CO/8-9, para. 33.
[103] Ibid., para. 33. See also country team submission, para. 64; and CCPR/C/ECU/CO/6, paras. 15-16.
[104] See CEDAW/C/ECU/CO/8-9, paras. 32-33. See also CCPR/C/ECU/CO/6, para. 16; CAT/C/ECU/CO/7, paras. 45-46; and country team submission, para. 48.
[105] See CRPD/C/ECU/CO/1, para. 40.
[106] See A/HRC/21/4, para. 135.20 (Holy See).
[107] See country team submission, para. 61.
[108] For the relevant recommendation, see A/HRC/21/4, para. 135.55.
[109] See UNESCO submission, paras. 16-17. See also A/HRC/23/35/Add.2, paras. 77-81.
[110] See A/HRC/23/35/Add.2, para. 89. See also UNDP submission, para. 7.
[111] See UNICEF submission, para. 22.
[112] See CEDAW/C/ECU/CO/8-9, paras. 28-29.
[113] See A/HRC/23/35/Add.2, paras. 81 and 84.
[114] See CERD/C/ECU/CO/20-22, para. 22. See also UNICEF submission, para. 22.
[115] See UNICEF submission, para. 22. See also E/C.12/ECU/CO/3, para. 31.
[116] See CRPD/C/ECU/CO/1, para. 37.
[117] See E/C.12/ECU/CO/3, para. 32. See also A/HRC/23/35/Add.2, para. 97.
[118] See CEDAW/C/ECU/CO/8-9, para. 27. See also CCPR/C/ECU/CO/6, paras. 17-18; CAT/C/ECU/CO/7, paras. 47-48; and A/HRC/23/35/Add.2, para. 76.
[119] For relevant recommendations, see A/HRC/21/4, paras. 135.14 and 135.30.
[120] See CEDAW/C/ECU/CO/8-9, paras. 10-11.
[121] Ibid., paras. 14-15.
[122] Ibid., para. 11.
[123] See CCPR/C/ECU/CO/6, para. 14. See also CEDAW/C/ECU/CO/8-9, paras. 20-21.
[124] See country team submission, para. 48.
[125] See CEDAW/C/ECU/CO/8-9, para. 13.
[126] Ibid., para. 21.
[127] For relevant recommendations, see A/HRC/21/4, paras. 135.10, 135.22, 135.33 and 135.35.
[128] See A/HRC/21/4, para. 135.33 (Finland and Mexico).
[129] Ibid., para. 135.35 (Turkey).
[130] See country team submission, para. 56.
[131] See A/HRC/21/4, para. 135.22 (Slovenia, Djibouti, France and Liechtenstein).
[132] See UNICEF submission, para. 10.
[133] For the relevant recommendation, see A/HRC/21/4, para. 135.56.
[134] See CRPD/C/ECU/CO/1, para. 8.
[135] Ibid., paras. 6 and 50-51.
[136] Ibid., para. 15.
[137] Ibid., paras. 44-45.
[138] Ibid., para. 38.
[139] Ibid., para. 30.
[140] For relevant recommendations, see A/HRC/21/4, paras. 135.57-135.58 and 136.3.
[141] See E/C.12/ECU/CO/3, para. 9.
[142] See CERD/C/ECU/CO/20-22, para. 17.
[143] See CCPR/C/ECU/CO/6, paras. 35-36.
[144] See country team submission, para. 25. See also E/C.12/ECU/CO/3, para. 9.
[145] See CERD/C/ECU/CO/20-22, para. 24.
[146] See CCPR/C/ECU/CO/6, paras. 35-36.
[147] For relevant recommendations, see A/HRC/21/4, paras. 135.2, 135.17 and 135.59-135.60.
[148] See E/C.12/ECU/CO/3, para. 13. See also CEDAW/C/ECU/CO/8-9, paras. 40-41.
[149] UNHCR submission for the universal periodic review of Ecuador, p. 1.
[150] See A/HRC/21/4, para. 135.2 (Egypt).
[151] UNHCR submission, p. 4. See also country team submission, para. 8.
[152] See CERD/C/ECU/CO/20-22, para. 14. See also UNHCR submission, pp. 4-5.
[153] See A/HRC/21/4, para. 135.17 (Luxembourg).
[154] UNHCR submission, p. 3.
[155] See country team submission, para. 15. See also UNHCR submission, p. 3.

[156] See CERD/C/ECU/CO/20-22, para. 15.
[157] See CRPD/C/ECU/CO/1, para. 32.
[158] For the relevant recommendation, see A/HRC/21/4, para. 135.1.
[159] UNHCR submission, p. 2.
[160] Ibid., p. 4. See also country team submission para. 6.